

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHARON BOBBITT, Individually on Behalf of All Others Similarly Situated, Plaintiff, v. ANDREW J. FILIPOWSKI and MICHAEL P. CULLINANE, Defendants.	Civ. No. 1:04 CV 12263 (PBS)
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**SECOND UNOPPOSED MOTION TO EXTEND TIME
FOR DEFENDANTS TO FILE REPLY
IN SUPPORT OF MOTION TO DISMISS SECOND CONSOLIDATED COMPLAINT**

Defendants Andrew J. Filipowski and Michael P. Cullinane, by their undersigned counsel, hereby request (i) an extension, until December 9, 2005, to file the Reply in support of their Motion to Dismiss the Second Consolidated Complaint in this matter; and (ii) adjournment of oral argument on the Motion to Dismiss, which is currently scheduled for November 3, 2005, until a later determined date. In support of this motion, Defendants state as follows:

1. By Order dated March 25, 2005, the Court granted the parties' joint motion to set a briefing schedule, including a reply for Defendants, on Defendants' then-anticipated Motion to Dismiss the Second Consolidated Complaint.

2. Defendants filed their Motion to Dismiss on April 7, 2005. The date for Plaintiffs to respond to that Motion was thereafter extended from time to time, given, among other things, the parties' ongoing efforts to mediate this dispute. These efforts included a mediation session in late June 2005 with the Hon. Layn Phillips, a former United States District Judge, serving as the

mediator. The parties recognized at the time of the June mediation session that a subsequent mediation session would be required.

3. Plaintiffs filed their response to the Motion to Dismiss on September 12, 2005. Per this Court's order of September 28, 2005, Defendants' reply is currently due October 24, 2005. A hearing on the Motion to Dismiss is scheduled for November 3, 2005.

4. Subsequent to the Court's order of September 28, the parties were able to schedule another mediation session regarding this matter. The mediation is scheduled to take place November 17, 2005, in New York with Judge Phillips again serving as the mediator.

5. The parties submit that it would be most efficient to adjourn the present schedule so that the parties can devote their time, energy and resources to the complex negotiations that resolution of this matter will require. Among other things, an adjournment would also reduce legal expenses and conserve insurance policy proceeds.

6. Counsel for Defendant Filipowski has conferred with lead Plaintiffs' counsel, who have indicated that they do not oppose the requested extension and adjournment.

WHEREFORE, Defendants respectfully request that the Court enter an order (i) extending, until December 9, 2005, the date for Defendants to file the Reply in support of their Motion to Dismiss the Second Consolidated Complaint in this matter; and (ii) adjourning oral argument on the Motion to Dismiss, which is currently scheduled for November 3, 2005, until a later determined date.

Dated: October 17, 2005

Respectfully submitted,

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